

REMARKS

The Office Action dated December 11, 2007 has been received and carefully noted. Claims 1, 3-8, 10-19 and 21-34 were examined and rejected. Dependent Claim 32 has been canceled. Independent Claims 1, 5, 8, 16, 19, 23 and 27 are amended to incorporate limitations from claim 32. Applicants respectfully request reconsideration of claims 1, 3-8, 11-19, 21-31 and 33-34 as amended in view of the following remarks.

I. Claim Objections

Claim 23 is objected to because of the recitation of "-and" recited at line 7. Applicant notes that the dash in claim 23 was to remove a space by amendment thereof. Moreover, the recitation is cured in the currently amended claim 23. Hence, Applicant respectfully requests the objection be removed.

II. Claims Rejected Under 35 U.S.C. §112

The Patent Office rejects claims 33 and 34 because "the non-volatile storage" recited in claim 33 lacks antecedent basis. Applicant amends claim 33 to cure the antecedent basis issue. Hence, Applicant respectfully requests the Patent Office withdraw the rejection above.

III. Claims Rejected Under 35 U.S.C. §102

The Patent Office rejects claims 1, 3, 4, 6-8, 10-17, 19, 21-26 and 28-34 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 7,039,116 of Zhang et al. (*Zhang*). To be anticipated, each limitation of a claim must be disclosed in a single reference.

Applicant respectfully disagrees with the rejection above of independent claims 1, 16, 19 and 23 for at least the reason that each of base claims requires dynamically adjusting an aggressiveness of down sampling of the data stream including decompressed video data, wherein down sampling is based at least on constraints imposed by storage resources, as required by those amended claims (claim 1 representatively for the other claims).

Zhang describes encoding based on a format determined by the target decoder through a handshake, where the handshake may identify information such as bit rate capacity of an output channel, quality of service, and decompression capability of the target decoder (col. 16, line 47

through col. 17, line 7). However, the Patent Office has not identified Applicant has unable to find any disclosure or teaching in *Zhang* of down sampling based on constraints imposed by storage resources, as required by the independent claims.

Similarly, *Wee* (cited against other claims admitted below) describes that wireless streaming environments present challenges based on client having different display, power, communication, and computational capability (see paragraph 0003); and changing compression formats during transcoding based on display capability and wireless channel characteristics (see paragraph 0004). However, the Patent Office has not identified and Applicant is unable to find any disclosure or teaching in *Wee* of the above-noted limitation of the independent claim.

Hence, Applicant respectfully requests the Patent Office withdraw the rejection of the independent claim.

In addition to being dependent on allowable base claims, Applicant disagrees with the rejection above of claims 33 and 34 for at least the reasons that the references also do not disclose or teach down sampling based on at least a desired bit rate to allow longer recording time, as required by claim 33 and claim 34. Hence, for at least this additional reason, Applicant respectfully requests the Patent Office withdraw the rejection above for claims 33 and 34.

In addition to being dependent upon allowable base claims, Applicant respectfully disagrees with the rejection above of dependent claims 30 and 31 for at least the reason that the cited references do not disclose or teach dynamically adjusting down sampling including by a look up table, as required by claim 30. *Zhang* teaches encoding based on variable length coding (VLC) tables to encode data, which is a technique well known in the art (col. 17, lines 60-66 and col. 20, lines 39-59). However, using a look up table with down sampling is not described in *Zhang*. Moreover, down sampling using a look up table is not inherent in *Zhang*, because down sampling in *Zhang* can be accomplished based on an output channel, quality of service, or decompression capability (see *Zhang*, col. 17, lines 3-6) without a look up table. Hence, for at least this additional reason, Applicant respectfully request the Patent Office withdraw the rejection above of claims 30 and 31.

IV. Claims Rejected Under 35 U.S.C. § 103

Claims 5 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over *Zhang* in view of *Wee*. For a claim to be obvious every limitation of that claim must be taught or suggested by at least one properly combined reference.

In addition to being dependent upon allowable base claims as noted above, Applicant disagrees with the rejection of claims 5 and 27 for at least the reason that the cited references do not disclose or teach sending the digital data stream to a display device if the display device is local to the video decoder; and sending the low bit rate stream to a display device if the display device is remote from the video decoder, as required by those claims. *Wee* describes that it might be necessary to send a full-bandwidth high resolution video stream to a fixed wired client, and a lower tape in bandwidth medium-resolution video stream to a mobile wireless receiver (see paragraph 0010). However, *Wee* does not teach that sending the signal depends on whether or not the wired client or wireless receiver are local or remote, as required by claims 5 and 27. For example, the wireless receiver could be local and receive the lower bandwidth, while the remote can receive the high resolution stream. Hence, for at least this additional reason, Applicant respectfully requests the Patent Office withdraw the rejection to claims 5 and 27.

The Patent Office rejects claim 18 under 35 U.S.C. § 103 as being unpatentable over *Zhang*.

Any dependent claims not mentioned herein are submitted as not being anticipated or obvious for at least the same reasons given above in support of their base claims, as well as to the additional limitations required by each dependent claim.

Hence, Applicants respectfully request the Patent Office withdraw the rejections above for all the rejected claims.

CONCLUSION


In view of the foregoing, it is believed that all claims now pending, namely claims 1-30, patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

If necessary, the Commissioner is hereby authorized in this, concurrent and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2666 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17, particularly extension of time fees.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

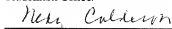
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Angelo J. Gaz, Reg. No. 45,907

1279 Oakmead Parkway
Sunnyvale, California 94085-4040
Telephone (310) 207-3800
Facsimile (408) 720-8383

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted electronically via EFS Web on the date shown below to the United States Patent and Trademark Office.


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2/11/08
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